

REMARKS

The preceding claim amendments and the following remarks are submitted as a full and complete response to the Office Action issued on January 31, 2008. Claims 1-3 and 5-20 have been amended. Support for the amendments may be found in the respective original claims. Claim 1 has been amended in accordance with the Examiner's interpretation under Allowable Subject Matter. Claims 22-25 are new. Support for claim 22 may be found in original claim 1. Support for claim 23 may be found in original claim 7. Support for claim 24 may be found in original claim 11. Support for claim 25 may be found in original claim 17. No new matter has been added. Currently claims 1-25 are pending.

The disclosure was objected to because of certain informalities. Applicants have amended the specification in accordance with the Examiner's kind suggestion to insert the subject matter of the original claims. Applicants have additionally inserted section headings. Applicants note that the insertions refer to the specification as filed, not as modified by the preliminary amendment in which a cross reference to a related application was added.

Claims 1-20 were rejected under 35 U.S.C. §112 as being indefinite. Applicants have amended claims 1-3 and 5-20 to place these claims in condition for allowance. Applicants respectfully submit that claim 4 is definite. In particular, claim 4 does not use a narrative format, nor does it suffer from a lack of clearly claimed steps.

Applicants thank the Examiner for acknowledging that claim 1 as rewritten under allowable subject matter would be allowable. Applicants have amended claim 1 accordingly.

Amended claims 1-3 and 5-20 now recite clearly claimed steps. With respect to claims 1, 7, 11 and 17, the phrase "in particular" has been deleted. With respect to claim 1, the phrase "in the manner described" has been deleted. The reference to "an integral multiple ..." has been clarified to refer to $n(fp) + \Delta f$. Further, Applicants note that this interpretation of the claim is forced by both dependent claim 12 and the algebraic order of operations.

With respect to claims 2 and 3, claims 2 and 3 have been clarified to show that nothing is missing from the claims.

With respect to claim 8, claim 8 has been clarified with regard to determining frequency behavior.

With respect to claims 10 and 11, claims 10 and 11 have had the cited operations deleted.

With respect to claims 1-25, claims 1-25 have been reviewed for proper antecedent basis. Each of the cited antecedent issues has been corrected.

Claim 21 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,940,331 to Wyeth et al. Claim 21 recites a measuring device (100) having an evaluation device (120), which is suitable for carrying out a method as claimed in claim 1. In contrast, the Office has cited the detector 50 and the computer 80, but this does not disclose or suggest that the detector is a measuring device having an evaluation device.

Additionally, the Office states that the computer would have been suitable for carrying out any processing method. However, Wyeth does not anticipate claim 21 because Wyeth does not disclose that a computer has this property. Further, claim 21 is not obvious over Wyeth, because Wyeth does not disclose or suggest the requisite

programming, namely, that the system is suitable for carrying out a method as claimed in claim 1.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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